

REMARKS

Claims 2 and 3 have been rejected under 35 USC § 112 for failing to comply with the written description requirement. Claims 2 and 3 have been corrected herein by amendment. Accordingly, the withdrawal of this rejection is respectfully requested.

Claims 1-8 stand rejected under the 35 U.S.C. §103(a) over the patent of Eccles or over the patent of Bernhard. Claims 1-8 have been amended herein to recite that the claimed alloy is without further hardening elements and blending elements. No new matter has been added by the amendments to Claims 1-8. Accordingly, in view of the foregoing amendments and the following remarks reconsideration of Claims 1-8 and allowance thereof are respectfully requested.

With regard to the rejection of Claims 1-8 over Eccles, these claims have been amended to recite that the alloy of the present invention is without further hardening elements. As indicated in the response to the Office action of August 25, 2004, the telephone conversation with the Examiner on November 23, 2004, and the telephone conversation with the Examiner on June 1, 2005, the patent of Eccles, while it does incorporate silver, zinc, copper, silicon and tin in ranges which overlap the present invention also contains Germanium. As indicated in Column 2, lines 30-37, "the Germanium content of the alloy has surprisingly resulted in alloys having work hardening characteristics of a kind with those exhibited by conventional 0.925 silver alloys, together with the firescale resistance of the hereinbefore described firescale resistant alloys. In general, it has been determined that amounts of Germanium in the alloy of from about 0.04 to 2.0% by weight provide modified work hardening properties relative to alloys of the firescale resistant kind not including Germanium." Thus Germanium is material to the properties of the Eccles patent because it provides hardening of the alloy disclosed and claimed in Eccles.

In contrast to Eccles, the alloy of the present invention uses copper and tin or indium to provide hardness. (See specification at page 2, paragraph 6 and page 3, paragraph 10). Additionally, claims 1-8 have been amended to now recite that the alloy of the present invention is without further hardening elements, such as Germanium. Furthermore, the present invention utilizes the transitional phrase "consisting essentially of." Thus, a requirement of Germanium in

the Eccles alloy distinguishes from the present invention by providing modified work hardening properties that can be only attributed to the addition of Germanium. In fact, the Eccles patent teaches away from the alloys recited in Claims 1-8 of the present invention by disclosing in Column 1, lines 49-52: “A disadvantage of the hereinbefore described firescale resisting alloys is that the alloys exhibit poor work hardening qualities thus not achieving the mechanical strength of traditional worked 0.925 silver goods.”

With regard to the rejection of Claims 1-8 over Bernhard, these claims have been amended to now recite that the alloy of the present invention is without further blending elements. The patent of Bernhard, however, requires the addition of Boron as a blending element. As indicated in Column 3, lines 64-66, of Bernhard, “Boron is added to reduce the surface tension of the molding alloy and to allow it to blend homogenously.” The patent of Bernhard also teaches away from the alloys recited in Claims 1-8 of the present invention by disclosing in Column 4, lines 7-11: “These metals, when alloyed in the ranges indicated, have been found to produce castings free of normal fire scale, with the additional advantages of greatly-reduced porosity rates and a reduced grain size.” (Emphasis added).

In contrast to Bernhard, the alloy of the present invention uses tin with silicon to provide better working properties, i.e., blending. (See specification at page 2, paragraph 6). Additionally, Claims 1-8 have been amended to now recite that the alloy of the present invention is without further blending elements, such as Boron. Furthermore, the present invention utilizes the transitional phrase “consisting essentially of.” Thus, a requirement of Boron in the Bernhard alloy distinguishes from the present invention by providing blending properties that can be only attributed to the addition of Boron.

Thus, since Claims 1-8 as amended herein recite an alloy without further hardening elements and blending elements, the addition of Germanium has a hardening element and/or Boron as a blending element to the alloy, as disclosed in the patent of Eccles and the patent of Bernhard, is materially different than the present invention. Additionally, neither the patent of Eccles nor the patent of Bernhard teaches, suggests nor implies the alloys of Claims 1-8 of the present invention, which are manufactured without the surface tension and blending properties of

Boron or the work hardening characteristics of Germanium. Furthermore, as described above, both of these references teach away from use and manufacture of an alloy without either Germanium or Boron. Accordingly, based on the foregoing amendments and remarks, reconsideration and allowance is respectfully requested.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance, and request that an early notice of allowance be issued in this application. The Examiner is invited to contact the below-listed attorney at 312/609-7848 if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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